

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action
	)	No. 05-441-JJF
INTEL CORPORATION,	)	
	)	
Defendant.	)	

A teleconference was taken pursuant to notice before Debra A. Donnelly, Registered Professional Reporter, in the law offices of Blank Rome, LLP, 1201 North Market Street, Wilmington, Delaware, beginning at 9:30 a.m., on Tuesday, April 22, 2008, there being present:

BEFORE: THE HONORABLE VINCENT J. POPPITI, SPECIAL MASTER

ALSO PRESENT: ELIZABETH OESTREICH, ESQUIRE  
BLANK ROME, LLP

APPEARANCES:

FREDERICK L. COTTRELL, III, ESQUIRE  
RICHARDS LAYTON & FINGER, P.A.  
One Rodney Square  
Wilmington, Delaware 19801  
and

CHUCK DIAMOND, ESQUIRE  
O'MELVENY & MYERS, LLP  
1999 Avenue of the Stars, 7th Floor  
Los Angeles, California 90067  
for Advanced Micro Devices

-----

CORBETT & WILCOX  
REGISTERED PROFESSIONAL REPORTERS  
230 N. MARKET STREET WILMINGTON, DELAWARE 19801  
(302) 571-0510  
Corbett & Wilcox is not affiliated  
with Wilcox & Fetzer, Court Reporters

Teleconference

Page 2

1 APPEARANCES (CONT'D):

2 RICHARD L. HORWITZ, ESQUIRE  
3 POTTER ANDERSON & CORROON, LLP  
4 1313 North Market Street  
5 Wilmington, Delaware 19801  
6 and

7 DARREN B. BERNHARD, ESQUIRE  
8 HOWREY LLP  
9 1299 Pennsylvania Avenue NW  
10 Washington, D.C. 20004  
11 and

12 MICHAEL DINGER, ESQUIRE  
13 GIBSON, DUNN & CRUTCHER, LLP  
14 1050 Connecticut Avenue, N.W.  
15 Washington, D.C. 20036  
16 for Intel Corporation

17 J. CLAYTON ATHEY, ESQUIRE  
18 PRICKETT JONES & ELLIOTT, P.A.  
19 1310 King Street  
20 Wilmington, Delaware 19801  
21 and

22 JON T. KING, ESQUIRE  
23 COHEN MILSTEIN HAUSFELD & TOLL, P.L.L.C  
24 One Embarcadero Center  
Suite 2440  
San Francisco, California 94111  
and

VINCENT SMITH, ESQUIRE  
COHEN MILSTEIN HAUSFELD & TOLL, P.L.L.C.  
25 Southampton Building  
London  
WC2A 1AL  
United Kingdom  
for Union Federale des Consommateurs-que  
Choisir

22 --

23

24

1                   SPECIAL MASTER POPPITI: Counsel,  
2 Vincent Poppiti just joined. Good morning.

3                   The purpose of the call is, quite  
4 simply, to discuss a date for the ultimate presentation  
5 of the motion.

6                   I expect we can be doing that by  
7 teleconference, unless anyone suggests the alternative;  
8 namely, a show-up in the courthouse.

9                   Does anyone disagree that we can do this  
10 by telecon?

11                  MR. HORWITZ: Your Honor, this is Rich  
12 Horwitz for Intel.

13                  This is a very important motion, and we  
14 had not discussed it, frankly, whether it would be in  
15 person or by telephone.

16                  SPECIAL MASTER POPPITI: Okay.

17                  MR. HORWITZ: So I would ask if we could  
18 maybe hold off on that. There may be significant  
19 third-party interest, because third-party documents are  
20 involved, and we may be better off in a more formal  
21 setting. I don't know. Like I said, we haven't really  
22 discussed it yet.

23                  SPECIAL MASTER POPPITI: Okay. I'm  
24 happy to land on a date and then hold the decision as to

Teleconference

Page 4

1 whether it will be in person in the courthouse or on the  
2 phone.

3 Does anyone else have any thoughts with  
4 respect to that particular issue?

5 MR. KING: Your Honor, it's Jon King  
6 from Cohen Milstein in San Francisco for the proposed  
7 Intervenor, and we would be fine with a phone hearing.  
8 In person, of course, would be fine as well. But  
9 whatever is convenient to Your Honor we can make work.

10 SPECIAL MASTER POPPITI: So if we begin  
11 at 9:00, that's all right with you, Mr. King?

12 MR. KING: Yes, it is.

13 SPECIAL MASTER POPPITI: I'm just  
14 kidding, sir. That would be an early morning for you on  
15 the West Coast.

16 No, I understand. And certainly if we  
17 did it by telephone we would accommodate a West Coast  
18 schedule.

19 Anyone else, please?

20 (No response.)

21 SPECIAL MASTER POPPITI: Okay. Then the  
22 other question is, having the first brief filed, and I  
23 expect you were expecting that it was going to be  
24 something that perhaps Judge Farnan would have dealt with

1 himself, in light of the fact that he has assigned me the  
2 responsibility of dealing with the application, my  
3 question is with respect to the briefing schedule, should  
4 we be talking about something that is more abbreviated  
5 than the traditional briefing schedule established for  
6 District Court filings to the judge?

7           And by that I mean shortening the number  
8 of days for the answer and also shortening the number of  
9 days for the reply, not necessarily shortening; that is,  
10 abbreviating the number of pages that are permitted.  
11 Because the first brief has already been filed, and it  
12 seems to me it would be unfair to require that there be  
13 an abbreviation of the next two filings.

14           MR. KING: Your Honor, it's Jon King.

15           If I might take a first crack at that,  
16 if no one objects. And this might inform a bit of the  
17 discussion here.

18           Our hope as the proposed Intervenor is  
19 to work backwards from something we have in mind, which  
20 is our motion is really two parts. One part pertains to  
21 the ongoing European Commission proceedings involving  
22 Intel, and the second part pertains to possible future  
23 private damages litigation that may flow from that in  
24 Europe.

Teleconference

Page 6

1 SPECIAL MASTER POPPITI: Yes.

2 MR. KING: Focusing for a minute on just  
3 the European Commission proceedings, which relates to the  
4 timing here, our anticipation is that it's quite likely  
5 in the fall the Commission will be prepared to issue a  
6 decision in the matter. And what we understand that  
7 means is, because of the summer break schedule there,  
8 that really they would need to have any submissions in  
9 hand by mid July at the latest in order for it to be  
10 considered.

11 And so our hope in the present case is  
12 to really get this matter resolved by very early July, at  
13 the latest. And I think probably what that means is  
14 we're a bit more extended than a very expedited briefing  
15 schedule, but it's not so wide open, maybe, as Intel  
16 probably is going to like here.

17 I have some dates in mind. I don't know  
18 if Your Honor would like me to go into them now, but I  
19 think that might make this work and also give plenty of  
20 time to Intel and the third parties to brief the issues.

21 SPECIAL MASTER POPPITI: Yes, I  
22 certainly would like to hear those dates so that the  
23 discussion can be fully informed.

24 The only observation I would make as you

1 propose those dates, Mr. King, is, and you may be mindful  
2 of this, I just would like to remind you of it, whatever  
3 work I accomplish with respect to the motion, were there  
4 to be an exception taken, there is going to have to be  
5 built-in time for purposes of taking the exception. And  
6 then, of course, although I can commit myself to time  
7 certain for purposes of issuing a document, once the  
8 briefing has closed and once the argument has occurred,  
9 I, of course, have no authority to commit the Court to a  
10 date certain for the issuance of any decision that Judge  
11 Farnan would have were there to be an exception to my  
12 work.

13 MR. KING: Yes, okay.

14 SPECIAL MASTER POPPITI: So what you may  
15 want to be building into whatever you have to offer is  
16 perhaps a consideration of an abbreviated deadline  
17 following the work I do. Namely, instead of the time  
18 permitted by the rule, it could be a 10-day turnaround, a  
19 5-day turnaround, a 15-day turnaround, but as soon as we  
20 start extending all the deadlines out, we would be well  
21 into mid July conceivably.

22 MR. KING: Okay.

23 SPECIAL MASTER POPPITI: Is that  
24 helpful?

Teleconference

Page 8

1 MR. KING: That is very helpful. Here  
2 is what I had in mind, and then maybe we can see if it  
3 then works with what is likely to come after Your Honor  
4 would issue a decision with the further briefing to the  
5 Court.

6 We -- and our motion was filed  
7 April 9th.

8 SPECIAL MASTER POPPITI: Yes.

9 MR. KING: That's the first date to keep  
10 in mind.

11 And Intel, in our meet-and-confer  
12 discussions, raised a good point, which is that we need  
13 to make certain that any of the third parties affected by  
14 this motion would have notice of it, and so what we  
15 thought is that by Friday, on the proposed Intervenor's  
16 side, we would have notice in hand to all of the affected  
17 third parties. So that would be this Friday, the 25th.

18 SPECIAL MASTER POPPITI: Okay.

19 MR. KING: And then we would propose the  
20 next date to be Friday, May 16th, which would be three  
21 weeks later, and that would be the deadline for any  
22 response briefs from Intel and the third parties to be  
23 due May 16th.

24 And that, with respect to Intel, that

1 would mean Intel would actually have had five weeks since  
2 they received the motion definitively, you know, on  
3 April 9th by electronic filing system.

4 We would then propose two weeks for our  
5 reply to whatever -- to Intel's opposition, which would  
6 make our reply due May 30th, Friday, May 30th.

7 And in our meet-and-confer process,  
8 Intel also requested an opportunity to comment, if  
9 needed, on any of the third-party submissions that might  
10 come in, and we think that's fair to the extent any  
11 third-party submission somehow impacts or references  
12 Intel.

13 In other words, if for some reason a  
14 third party had produced material that contained some  
15 confidential Intel information, and let's say the third  
16 party took some positions throwing their hands up in the  
17 air saying, fine, we will produce this, Intel would still  
18 have an opportunity to comment on it. We would make that  
19 date May 30th for both our replies.

20 SPECIAL MASTER POPPITI: Oh, for both.  
21 Okay. Good.

22 MR. KING: Response to any third  
23 parties.

24 And from there would be at Your Honor's

Teleconference

Page 10

1 discretion, whatever the soonest appropriate hearing  
2 date, whether by phone or in person, could be scheduled.  
3 That is our proposal.

4 SPECIAL MASTER POPPITI: Okay. Does  
5 anyone want to weigh in on that proposal, please?

6 MR. HORWITZ: Your Honor, this is Rich  
7 Horwitz. I will be speaking for Intel during the call on  
8 the issues on scheduling before Your Honor today.

9 Your Honor, the first thing is the  
10 notion that there is urgency here. I just want to hit  
11 this right away. The urgency is just not there. And if  
12 there is a deadline, which we submit there isn't, because  
13 no one knows when the EC might rule, it's only the  
14 proposed Intervenor's own making.

15 The statement of objections in this  
16 matter in the EC was, I think, July 2007. Intervenors  
17 knew about this way back then. They appeared at a  
18 hearing in March of this year, and by what we understand,  
19 Your Honor, the record is closed for third parties in the  
20 proceedings on this statement of objections. So, as we  
21 understand it, Your Honor, they cannot submit anything  
22 into the file before the European Commission.

23 So this whole thing of trying to create  
24 urgency, trying to create a need, based on our

1 understanding, is not there for two reasons. One,  
2 because they sat on their hands; and, two, at this point  
3 they can't put anything else into the record before the  
4 European Commission.

5 SPECIAL MASTER POPPITI: Well,  
6 Mr. Horwitz, how, then, can I be informed with respect to  
7 that? I mean, I understood the application to be to set  
8 this schedule because there was urgency, as Mr. King  
9 outlines it.

10 MR. HORWITZ: I appreciate that, Your  
11 Honor. And our schedule is different, and for me to be  
12 able to describe to you why their, quote, urgency is a  
13 fallacy, I need to give you a little bit of background  
14 information so that we're not whipsawed into a schedule  
15 that we think is inappropriate.

16 SPECIAL MASTER POPPITI: Okay.

17 MR. HORWITZ: Your Honor, the other  
18 factor here, which they really haven't mentioned, either  
19 in their papers or this morning, is that the Commission  
20 asked for information under its own power, not under the  
21 statutory power. They got it from Intel and they also  
22 got it from major third parties whose documents are a  
23 part of the production in this case that would be at  
24 issue.

Teleconference

Page 12

1                   So the Commission, which is the body  
2     that is working on the report, which if there is any  
3     urgency, it's the Commission's urgency, they already did  
4     it on their own. And that Commission has a history here,  
5     Your Honor.

6                   The Commission has not used Section 782  
7     power historically; in fact, they've opposed  
8     applications. In fact, one was important enough in a  
9     prior matter between AMD and Intel it went up to the  
10    Supreme Court of the United States, and the Supreme Court  
11    said if they don't want to use it, we're not going to  
12    order it.

13                  So what you have here is a third party  
14    wanting to rush to get something done to put something in  
15    front of a Commission where our understanding is the  
16    record is closed for them, and where the Commission on  
17    its own already got the documents that it asked for with  
18    its own power and chose not to use the 782 power that the  
19    proposed Intervenor is proposing to use here.

20                  SPECIAL MASTER POPPITI: Let me ask this  
21    question, then, in light of your comments, Mr. Horwitz.  
22    And the question is directed to both you, Mr. King, and  
23    to Mr. Horwitz.

24                  If there is, and I expect there is,

1 because I think I've just heard it, a dispute as to  
2 whether there is the urgency, Mr. King, that you suggest,  
3 it seems to me that perhaps what should be done is for  
4 there to be a very brief schedule, very brief schedule  
5 permitting the both of you, and we'll talk about what the  
6 document, perhaps, should look like, a document to me on  
7 the one hand articulating the reason for the urgency and,  
8 on the other hand, permitting Mr. Horwitz to make his  
9 position more clear, if you will.

10 And I understood what you were saying,  
11 Mr. Horwitz, but just to ground it better, in terms of  
12 your understanding as to, number one, where the  
13 proceedings are, and perhaps even more importantly,  
14 number two, where the Commission is with respect to 782  
15 submittals.

16 My thought would be that it would be a  
17 very quick turnaround, number one; and my other thought  
18 would be that it would be a determination that I would be  
19 making, that with respect to this determination, it would  
20 not be subject to review by Judge Farnan, it would just  
21 simply be a matter of process for me to determine whether  
22 the schedule that I select would be one that was  
23 reflective of Mr. King's claim of urgency or one that was  
24 in tune with Mr. Horwitz' suggestion that there is no

Teleconference

Page 14

1 urgency.

2 Does the concept make sense, first of  
3 all, because I certainly don't think you as good  
4 advocates are going to be able to inform me on what is  
5 actually, from your perspective, in any event, the case  
6 with respect to the EU proceedings?

7 MR. KING: Your Honor, it's Jon King.

8 I do have on the line with us Vincent  
9 Smith from our London office, who is quite well versed in  
10 the EC proceedings and how things work there.

11 I'm tempted to offer, if Your Honor  
12 would like, his comments now, but if -- I just think  
13 we're still going to have a dispute. So I would -- I  
14 think Your Honor's idea is perfectly appropriate, and we  
15 can do as quick a turnaround as you would like on this  
16 and put something in writing.

17 Maybe the other thing to do, I might  
18 suggest, is perhaps even today we can have a quick meet  
19 and confer between the parties to see if there is some  
20 common ground in our understanding of what's going on  
21 and, you know, maybe that can get us somewhere, maybe  
22 not. But we're happy to put something in writing.

23 SPECIAL MASTER POPPITI: Mr. Horwitz.

24 MR. HORWITZ: Your Honor, that's fine.

1 And we can respond, you know, with a little bit of time  
2 to respond, we'll be happy to respond quickly and use  
3 that process.

4 Your Honor, if you would like, I can  
5 also give you some comments on the overall schedule.  
6 Because we have been thinking about this for a while, and  
7 approached Intervenor's counsel actually the night that  
8 they filed the motion to try to engage in the process,  
9 because we think it's a little bit more complicated than  
10 they've made out, even this morning in terms of the  
11 notice and the timing and other things. So --

12 SPECIAL MASTER POPPITI: Yes, I think it  
13 would be helpful to at least lay your position out so  
14 that, number one, I hear it; and, number two, I have it  
15 in mind when I review the record for purposes of looking  
16 at the entire picture. And then we can circle back and  
17 talk about the initial submittal.

18 MR. HORWITZ: Thank you, Your Honor.

19 As I said earlier, we believe that there  
20 is no need for urgency on the schedule right now.

21 In addition, although it's not a big  
22 burden on the Intervenors, certainly, or even on class  
23 counsel, which is serving as Intervenor's counsel, but  
24 Your Honor is aware of what Intel has on its plate right

Teleconference

Page 16

1 now with the pretrial submissions that Your Honor has  
2 ordered. So that is another thing that we have going on  
3 right now and that will be going on in the near future.

4 But even beyond that, Your Honor, to  
5 suggest that the notice would go out this Friday, and I  
6 think they didn't say today what the notice would be, but  
7 I think their suggestion to us before was that they would  
8 just send out their motion papers, and we don't think  
9 that's sufficient.

10 Also, under the protective order as it  
11 currently stands, it's our burden, since it's our  
12 production that they're seeking, it's our burden to  
13 notify third parties of the potential disclosure of their  
14 third-party documents. It's paragraph 18 of the  
15 protective order.

16 So what we would propose to do is draft  
17 a notice that would go to the third parties that would be  
18 meaningful and more than just say here is attached, and  
19 that we would propose to give that to the Court and to  
20 the Intervenor by April 28th, that they would come back  
21 with comments to the Court and to us by May 1, that we  
22 would reply by May 2, that the Court would rule on the  
23 form of notice somewhere around May 7 to May 9. I don't  
24 think that would be a very detailed submission on the

1 form of notice. And then we would mail the approved form  
2 of notice to, I think there are probably about 75  
3 subpoenaed third parties and others affected, we would  
4 get that out by May 14.

5 Then under the protective order, unlike  
6 the three weeks, I think it was, that they were proposing  
7 for people to respond, the protective order specifically  
8 says it's 30 days for third parties to raise any  
9 objections. So we go from May 14 to June 17 for third  
10 parties to submit any comments.

11 And then what we have thought might be  
12 more efficient, rather than us responding on the same day  
13 and then reserving the right to respond again, would be  
14 for our response to come in to the motion on June 24 so  
15 that it would respond to both the intervenors'  
16 application and to any third-party submission. And then,  
17 frankly, they could take as much time or as little time  
18 as they wanted after June 24 to submit their papers to  
19 Your Honor in response to any of our submissions and any  
20 submissions by the interested third parties.

21 We're talking about, instead of a May  
22 date, which they've proposed, really any time from the  
23 end of June to early July, as much time as they wanted.  
24 So it's probably about a month difference.

Teleconference

Page 18

1                   SPECIAL MASTER POPPITI: Okay. And I'm  
2 not sure it would make any sense to discuss any  
3 alternatives to your respective proposals given the  
4 initial step that I think is important to take.

5                   Do you both agree?

6                   MR. KING: It's Jon. I agree, Your  
7 Honor. I only have one point to make specifically in  
8 response.

9                   SPECIAL MASTER POPPITI: Okay.

10                  MR. KING: If you don't mind.

11                  SPECIAL MASTER POPPITI: No, please.

12                  MR. KING: Which relates to the  
13 reference to paragraph 18 of the protective order. And I  
14 would just refer Your Honor to it to take a look at it,  
15 because I don't see that it applies at all in these  
16 circumstances.

17                  What it seems to envision is a limited  
18 situation in which if Intel had confidential information  
19 in its possession belonging to a third party and was  
20 required to produce that information, that would trigger  
21 this up to 30-day notice provision. And I note only a  
22 couple things.

23                  I don't believe it applies at all here,  
24 but if it does, it specifically states the notice should

1 be given promptly, uses that word, to any third party.  
2 And if I understood Intel's proposal correctly, the  
3 notice wouldn't go out until May 14th, and that doesn't  
4 seem promptly.

5 And then the other part of that is, is  
6 the reference to 30 days. It does say up to, but not to  
7 exceed 30 days as the outer limit. That's not a fixed  
8 time period.

9 SPECIAL MASTER POPPITI: Just give me  
10 one moment. I just want to pause as you are speaking to  
11 look at that paragraph. Just give me one moment, please.

12 All right, counsel. I have read that,  
13 and I'm mindful of what you both have to say with respect  
14 to it.

15 Let's do this. And, Mr. Horwitz, I  
16 guess my only observation would be if I make the  
17 determination that there is a degree of urgency, then I  
18 would expect that you would be looking to consider  
19 retooling your proposed dates.

20 Is that a fair comment?

21 MR. HORWITZ: I think that's fair, Your  
22 Honor.

23 Your Honor, with respect to the  
24 protective order, I think it applies even more when

Page 20

1 you're talking about not a specific document here or  
2 there, but wholesale everything that's been produced.  
3 And I don't recall if Mr. King was involved in the  
4 process that we all went through to get the protective  
5 order in place, and with the attention that was paid to  
6 third-party interests.

7                   So I think, looking back on that,  
8 running quickly unnecessarily just wouldn't really serve  
9 the purpose that we've been trying to accomplish all  
10 along to protect everyone's interest.

11                   SPECIAL MASTER POPPITI: And I think  
12 what you may have just said is even if, and this is  
13 certainly no indication of how I would interpret the  
14 language of paragraph 18, but even if the precise  
15 language of 18 doesn't cover this circumstance, I think  
16 what you're suggesting is it is at least a good pointer  
17 and guideline, given what you did just suggest; namely,  
18 hopefully the care that was taken in considering the  
19 issue about third parties and documents in this case.

20                   MR. HORWITZ: Your Honor, just one  
21 further comment. Any suggestion that third parties might  
22 not care much about this, I think is just kind of silly,  
23 because who knows what kind of protection any of these  
24 documents would have if they were used in a yet-to-be-

1 filed action undefined somewhere in Europe. And  
2 certainly third parties would care about that, since they  
3 know what the protections are on their documents, as they  
4 did in this case in this District Court in the United  
5 States.

6 MR. KING: Your Honor, it's Jon.

7 The only reason I used the hypothetical  
8 of a third party not caring was because for the life of  
9 me I couldn't really understand otherwise why Intel in  
10 its schedule would want to build in a specific  
11 opportunity for it to respond to the written comments of  
12 third parties.

13 In other words, what I actually presume  
14 is that the arguments will be quite uniform here among  
15 Intel and the third parties, specifically that they will  
16 all object to our request for access to the evidence in  
17 this case.

18 So that was the only reason I use an  
19 example of a third party not caring.

20 SPECIAL MASTER POPPITI: Okay. I  
21 understand. Then let's look at the first issue schedule.

22 Expecting that you all have your view in  
23 mind and support for your view in hand, would it not make  
24 sense to look for a first filing from the proposed

Teleconference

Page 22

1 Intervenor on the -- can it be done close of business  
2 Monday, the 28th?

3 MR. KING: Let me just confer. Vincent  
4 Smith is on the line.

5 Vincent, does that sound workable from  
6 your end there?

7 MR. SMITH: Yes, it does.

8 MR. KING: Your Honor, then that's fine  
9 with the proposed intervenors.

10 SPECIAL MASTER POPPITI: Since we landed  
11 on a first date, let's talk about page limit.

12 I would expect I'm going to see some  
13 development of your position, but I'm also expecting to  
14 see that there would be a declaration about the EU  
15 process, the status of the process, things that were in a  
16 sense raised by Mr. Horwitz.

17 So talk about the number of pages that  
18 you think you need to develop your position. The number  
19 of pages would not include any attachments or appropriate  
20 declarations.

21 MR. KING: And this, Your Honor, I would  
22 understand to be in the form of a letter brief?

23 SPECIAL MASTER POPPITI: Yes.

24 MR. KING: I would think -- Vincent,

1 what do you think? A couple, five pages, I would think.

2 MR. SMITH: Five would be ample, I would  
3 have thought, if we can add a declaration.

4 SPECIAL MASTER POPPITI: Mr. Horwitz,  
5 does that sound adequate, five with a declaration and any  
6 supporting?

7 MR. HORWITZ: Yes, Your Honor.

8 SPECIAL MASTER POPPITI: Okay. That's  
9 good. That's six calendar days.

10 Just give me a moment, please.

11 Mr. Horwitz, I don't know whether you  
12 want a shorter period of time in which to do it or  
13 whether you want the full time that I just permitted the  
14 proposed Intervenor.

15 You're going to have to give me a  
16 shortcut. I know I heard it at the front end of the  
17 teleconference, but I wasn't smart enough to write it  
18 down precisely with respect to your client's name.

19 MR. HORWITZ: I'm sorry, was this for  
20 the proposed Intervenor?

21 SPECIAL MASTER POPPITI: Yes, please.  
22 Tell me what you're calling your client again for  
23 purposes of shortcutting.

24 MR. KING: We refer to them as QC to

Teleconference

Page 24

1 make it as simple for us as possible, so I would propose  
2 that.

3 SPECIAL MASTER POPPITI: Thank you.  
4 That's very good.

5 Mr. Horwitz, I don't know whether you  
6 want the 5th or you want to be filing it sooner than  
7 that, May 5?

8 MR. HORWITZ: Your Honor, let me defer  
9 to either Mr. Bernhard or Mr. Denger, since they probably  
10 would know a little better how long it would take to put  
11 together what we would put together.

12 MR. BERNHARD: Your Honor, this is  
13 Darren Bernhard. May 5 is fine with us. I think we  
14 would, since we don't know exactly what they're going to  
15 file, we would like to take that much time if we could  
16 have it.

17 SPECIAL MASTER POPPITI: Okay. May 5 is  
18 fine. What we will do with respect to both, we will do  
19 close of business East Coast time on both of those dates.

20 I don't expect that I need a reply, so  
21 the next date would be a date for the actual  
22 presentation. And expecting that I would make some  
23 determination on that date, we would then be prepared to  
24 talk about the alternative schedules. And would you

1 check your calendars, please, either for the 8th, which  
2 is a Thursday, or 9th, which is a Friday.

3 MR. KING: Your Honor, for the proposed  
4 Intervenor, Thursday the 8th is preferable, if possible,  
5 but I could make the 9th work, if needed, as well.

6 SPECIAL MASTER POPPITI: Okay.  
7 Mr. Horwitz, you and your team?

8 MR. HORWITZ: What time, Your Honor?

9 SPECIAL MASTER POPPITI: Well, I would  
10 be thinking, since we'll be doing by telecon, we can  
11 begin at noon.

12 MR. HORWITZ: That, at least for me,  
13 noon on either the 8th or 9th would work. I don't know  
14 about for my colleagues.

15 MR. KING: Your Honor, it's Jon.

16 I wonder for timing purposes, given that  
17 it may be advisable that we have Vincent Smith  
18 participate on that call from our London office.

19 SPECIAL MASTER POPPITI: Yes.

20 MR. KING: That if it works for  
21 everyone, that we do it earlier in the morning. I don't  
22 mind it being early West Coast time.

23 SPECIAL MASTER POPPITI: Okay.

24 MR. KING: You know, this type of time

Teleconference

Page 26

1 actually probably might work best for everybody  
2 geographically to make it workable.

3 SPECIAL MASTER POPPITI: So you are  
4 suggesting 9:30 again?

5 MR. KING: Do it early if we can.

6 SPECIAL MASTER POPPITI: 9:30. If you  
7 want to begin earlier than that, that's fine. But 9:30  
8 works for me.

9 MR. KING: Vincent, I should ask if that  
10 works for you as well?

11 MR. SMITH: Preferably on the 8th, yes.

12 MR. DINGER: This is Mike Dinger from  
13 Gibson, Your Honor.

14 It works for me.

15 MR. BERNHARD: And Darren Bernhard from  
16 Howrey.

17 It works, Your Honor. We are likely to  
18 have European counsel as well. He is not on this call.  
19 If you could hold the 8th, and if there is any issue, we  
20 will get back to you today.

21 SPECIAL MASTER POPPITI: Yes, that will  
22 be helpful.

23 What I will do is schedule it, then, for  
24 May the 8th at 9:30, and everyone should be prepared for

1 your respective presentations and then discussion,  
2 ultimate discussion of schedule. So I would imagine we  
3 could be a couple of hours.

4 Are there any other matters, then, for  
5 us to deal with today?

6 MR. KING: I don't think so, Your Honor,  
7 from this end.

8 MR. HORWITZ: Not from Intel, Your  
9 Honor.

10 SPECIAL MASTER POPPITI: Wait, I did not  
11 give a -- it's going to be the same five-page limit on  
12 the response. Correct?

13 MR. HORWITZ: Yes, Your Honor.

14 SPECIAL MASTER POPPITI: Okay. And,  
15 counsel, would you need the transcript expedited?

16 MR. HORWITZ: Today's transcript?

17 SPECIAL MASTER POPPITI: Yes.

18 MR. HORWITZ: I think we would like it,  
19 yes, Your Honor.

20 MR. KING: Yes, Your Honor, the same  
21 from the Intervenor.

22 SPECIAL MASTER POPPITI: All right.

23 Thank you all, then, very much.

24 (Teleconference concluded at 10:10 a.m.)

Teleconference

Page 28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

C E R T I F I C A T E

STATE OF DELAWARE  
NEW CASTLE COUNTY

I, Debra A. Donnelly, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing teleconference was taken before me, pursuant to notice, at the time and place indicated; that said teleconference was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the transcript is a true record of the teleconference; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this            day of  
April A.D., 2008.

  
\_\_\_\_\_  
DEBRA A. DONNELLY, RPR  
CERTIFICATE #151-PS  
EXPIRATION: PERMANENT

